

### **Remarks**

Applicant understands that the Amendment and Response filed on October 23, 2006 was not entered. Applicant requests that the claim set presented herein be entered to replace all previous versions.

#### *Election of Claims*

Applicant has cancelled Claims 1-68 and has provided new Claims 69-135. Applicant traverses the restriction requirement. Additionally, Applicant submits that new claims 69-135 provide for a single invention to be submitted for prosecution. Claims 69-119 are directed to a system for assaying hematopoiesis and hematotoxicity, while Claims 120-135 are generally directed to an assay method using the system of new Claim 69. Claims 69-119 cannot be used in a materially different process from that of claims 120-135. While the Applicant believes that new Claims 69-135 overcome the Examiner's restriction requirement, in order to assure that this Response is considered fully responsive, Applicant provisionally elects Claims 69-119 with traverse in the event that the Examiner maintains the Restriction Requirement.

#### *Response to Notice of Non-Compliant Amendment*

The Applicant has removed all underline markings. Applicant respectfully submits that Claims 77, 94, 100, 103, 117, 120, and 127 are new claims, as being dependent on new independent claim 69. If any further clarification is needed, the Applicant invites the Examiner to contact the Applicant's attorney for a phone interview.

**Conclusion**

Applicant respectfully submits that new claims 69-135 overcome both the restriction requirement and the notice of non-compliance. Applicant respectfully requests that the present Amendment be entered and that the claims no longer be subject to restriction.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Rosenbaum & Associates, P.C. deposit account No. 18-2000. Should the Examiner require any further information or wish to discuss an aspect of this Amendment, the Examiner is encouraged to telephone the Applicant's attorney at the telephone number set forth below.

Respectfully submitted,



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